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ABSTRACT

This instruction guide conveys effective strategies for engaging students in small group exercises, brainstorming, discussions, case studies and controversial issues. After emphasizing the importance of the first small group session for setting the tone, the guide advises teachers to appoint groups of two to five students, assigning the most extroverted as group leaders and dividing the least perceptive among the groups. As each group sits in a circle, the teacher should move around to each group to answer questions. To foster imaginative solutions to problems, the guide presents the strategy of brainstorming. Teachers should call for as many and as wild ideas as the students can offer, discouraging any evaluation that may discourage creativity. For the successful use of the discussion method, the guide encourages teachers to consider the purposes that their questions are intended to serve, whether to open discussion, amplify a contribution, or to close a discussion. The guide devotes considerable attention to case studies, a method well-suited to law-related education. Foremost, the teacher should carefully choose the appropriate case, one which involves an enduring legal question and evokes dramatic interest. After introducing students to the facts of the case, the teacher should define the legal issues and arguments and invite students to explain their decision in the case. When controversial subjects arise, students should identify the core issues and recognize the legitimacy of the arguments. (JD)

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TEACHING STRATEGIES

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BUILDING SMALL GROUPS

The first time the class works in groups is crucial. This will set the tone for other group work. Therefore, it is important to follow a few successful practices for this first time.

FOR FIRST SMALL GROUP

1. Teacher appoints the groups.
2. Think of the most extroverted students, or the students most likely to conduct a group with confidence. Make them group leaders.
3. Pick the most perceptive or successful students and put one in each of the groups.
4. Pick the least perceptive and put one in each group.
5. Complete the group of not more than four according to your best judgment of compatibility.
6. Meet with group leaders in advance to explain responsibilities.
7. Spend time in class explaining group responsibilities and leader responsibilities.
8. Be certain groups sit in a circle. The group will not function unless each member can see all others.
9. Float around to each group during group work to answer questions. Present your observation at the end of the discussion, make specific mention of a good idea presented in each group.

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TIPS FOR USING SMALL GROUPS

1. Make sure the students have the knowledge and skills necessary to do the work. (If they don't, you'll know in a hurry; they won't stick to the task).

2. Make the instructions to the group **very clear**. It is unlikely that the group will be able to follow more than one or two instructions (even clear ones!).

3. Allow enough time to complete the assigned task in the small group. Think creatively about ways to occupy groups that finish ahead of other groups.

4. Form groups of two to five students. Have only two or three when a complicated written product is the intended outcome. Five is probably the optimal upper limit for small group discussion.

5. In striking a balance between independent and cooperative learning, don't force the issue. Use small groups only for tasks calling for cooperative work (i.e., not independent work around a small table).

6. Make small group work a norm in your classroom, not a radical, once-in-a-lifetime departure from "lecture and recite."

7. Think about how your reward/evaluation strategy impacts upon the use of small groups. Be able to provide group rewards for group efforts.

8. Be explicit in dealing with management issues within the groups. If someone must report back to the class on the group's work, be sure there is a process for selecting the reporter.

9. Be prepared for the noise level which occurs during cooperative learning activities.

10. In forming groups, don't stigmatize students. Heterogeneous groups are usually desirable.

11. By all means circulate and observe/evaluate what is occurring in the groups. When you stop to visit a group, don't take it over. Think about your role in such a situation.

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BRAINSTORMING

PURPOSE

Brainstorming is a well-known, widely used problem solving tool. It encourages participants to use their imaginations and be creative. It helps elicit numerous solutions to any given problem, e.g., What shall we name this product? What should I do in this situation? How can we overcome this obstacle? In the area of values, it is very helpful in eliciting alternatives.

RULES FOR BRAINSTORMING

1. No evaluation of any kind is allowed in a thinking-up session. If you judge and evaluate ideas as they are thought up, people tend to become more concerned with defending their ideas than with thinking up new and better ones. Evaluation must be ruled out.

2. Everyone is encouraged to think up the most wildest ideas possible. It is easier to tame down a wild idea than to pep up a bland idea. In fact, if wild ideas are not forthcoming in a brainstorming session, it is usually evident that the individual participants are censoring their own ideas. They are thinking twice before they put out an idea for fear that they may come up with a silly one and sound foolish.

3. Quantity is encouraged. Quantity eventually breeds quality. When a great number of ideas come pouring out in rapid succession, evaluation is generally ruled out. People are free to give their imaginations wide range, and good ideas result.

4. Everyone is encouraged to build upon or modify the ideas of others. Combining or modifying previously suggested ideas often leads to new ideas that are superior to those that sparked them.

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STEPS FOR EFFECTIVE BRAINSTORMING

1. Seat the participants informally.

2. Provide a flipchart pad or blackboard for recording ideas.

3. State the problem to be addressed.

4. State the Rules of the Technique:

    a. No evaluation of ideas/no judgment as to worth

    b. Free wheeling thinking/the wilder, the better

    c. The more ideas the better/strive for quantity

    d. Hitchhike/build upon the ideas of others (combine, modify, etc.)

5. Ask for ideas and record them as fast as they come.

6. When a sheet of chart paper is filled, hang it on the wall with masking tape.

7. Encourage new ideas by adding your own.

8. Don't permit laughter, derisive comments, or ridicule of anyone's ideas.

9. Continue as long as the ideas keep coming.

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THE DISCUSSION METHOD

Question asking is the principal tool in the discussion leader's kit. The effective leader must know what questions to ask; what types of questions to ask at each step in the discussion; how to phrase the question so as to get the result s/he wants; and how to restate it if the first effort doesn't work.

1. ***Four Types of Questions*** - Differing in Direction

   a. ***Overhead questions*** - addressed to the group as a whole; anyone may answer.

   b. ***Direct*** - the leader directs questions to a particular individual, usually because that person has the best information or in order to get the individual to participate.

   c. ***Reverse*** - the leader, when asked a question, turns it back to the asker. Often those who ask a question, really want to make a statement but need encouragement.

   d. ***Relay*** - the leader passes the question asked by one member of the group to another member to answer, or the leader may put it out as an overhead question.

2. ***Shaping the Question According to its Purpose***

   a. To open discussion.

   b. To amplify, expand and explain member's contribution.

   c. To move discussion ahead to another point and to close discussion on the preceding point.

   d. To introduce a point which is being overlooked.

   e. To provide and sharpen distinctions, including evaluation and judgement on ideas that have been presented.

   f. To exercise discipline or to promote cooperation and team play.

   g. To summarize and give unity to divergent ideas.

You must be an Expert Question-Asker

A good court lawyer must know a lot more than the legal statutes. S/He must know how to ask questions. In leading a discussion, of course, you are not a prosecuting attorney seeking to confuse the witness. You are the defense attorney seeking to help your client bring out all the pertinent, helpful information. This is an art. Just as lawyers must develop it for their profession, you must develop it for your work as a teacher.

low Do You Become an Expert Question-Asker?

There is one step that can help you in becoming an expert question-asker. As you plan the discussion, write down a number of specific questions which you anticipate may be needed:

1. To bring out helpful data, opinions, experience

2. To stimulate or sharpen thinking

3. To encourage the person or persons who may be hesitant

You know before you go into the discussion which people are most likely to hold back. Ask yourself, "What can I ask so they will want to talk and so it will become easy for them to talk effectively?"

Be prepared with specific questions to bring particular individuals into the discussion.

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CASE STUDIES
GUIDELINES FOR USING CASE STUDIES

In using legal case studies with students, attorneys and other resource people must be careful to use terms and situations that are familiar to students. While it is useful for such resource persons to have basic grounding in law, the underlying issues and conflicts inherent in legal cases may be more important that the particular decisions or statutes involved. The following discussion, which was prepared for teachers, contains suggestions and guidelines for structuring case studies as well as a rationale for using them in a classroom setting.

* * * * * * * * * * * * *

From the very beginning, the successful use of the case method approach to the study of law has involved three essential ingredients: (1) lively cases, (2) capable instructors, and (3) involved students. The selection of appropriate legal cases has been a crucial aspect of the approach. Not every case involving a legal decision or interpretation can be considered a "good" case. Cases that are chosen must center upon significant legal questions that persist and recur in human experience and the law. The cases must also pose a variety of possible alternative solutions and provide dramatic interest for the student.

The instructor, in turn, must be properly prepared and well informed on the subject if the approach is to be utilized successfully. The instructor must serve as a facilitator rather than an authority figure in the learning process. Through the use of questioning, the instructor raises doubt in students' minds on a particular legal issue. This procedure helps to clarify student thinking and reasoning and assists the students resolving the conflict. The instructor should judiciously avoid imposing conclusions or personal biases upon students. When a particular position has not been adequately considered, the instructor may express a point of view to the class, but it should be identified as such.

Finally, the active involvement of the student in analyzing a legal case is crucial to the approach. Participating in class discussions in which a particular legal problem is identified and sides are taken, points of view are stated, considered and weighed, and decisions are formulated and evaluated, remains the primary means by which students develop their own critical thinking ability. This is how an understanding of the law evolves from the case method of teaching.

The case study approach to the teaching of legal concepts and issues encourages teacher and students to engage in one or more of the following activities: (1) a statement or review of all the facts of a particular case; (2) an investigation or treatment of the issues and arguments of that case; and (3) an analysis or consideration of the decision, including the legal reasoning behind and implications of the ruling.

Excerpted with permission from Teaching About the Law, by Ronald A. Gerlach and Lynn W. Lamprecht (Cincinnati: W.H. Anderson Co., 1975), pp. 148-161.

CASE METHOD ACTIVITY SEQUENCE

Step 1: Review of the Facts

-- What are significant facts in the case?

Step 2: Investigation of Issues/Arguments

-- What legal issues are involved?
-- What arguments might be presented?

Step 3: Consideration of Decision and Reasoning

-- What would you decide? Why?
-- What was the court's decision?
-- Why did the court come to that conclusion rather than another one?

As a discussion leader, an instructor utilizing the case method approach must provide the class with the necessary background information and materials they need. He or she should pose questions that encourage students to: (1) rationally examine a case--facts, issues, arguments, decision; (2) express and explore, as well as be able to explain and support, alternative points of view; (3) focus upon points of major importance and reflect upon the consequences of each; and, perhaps most important, (4) clarify their own thinking and values. Questions should promote the interchange of ideas among students and call for student thought rather than simple "yes/no" responses or the repetition of facts. The classroom questions should point out assumptions or weaknesses in reasoning, have a logical sequence or rational order, be clear and direct, and be within the answering capabilities of the students. In addition, questions should build on the class' preceding responses and ideas as well as its initial interests.

In addition to performing the roles of diagnostician and discussion leader, the teacher must act as a "climate-maker." That is, the teacher must develop and maintain a friendly, and nonthreatening classroom environment in which students are encouraged to think logically, to consider alternatives freely, and to express themselves honestly while studying a case. In order to develop a favorable classroom atmosphere in which to use the case study approach, the teacher must refrain from dominating class discussion by repeating, commenting on, or asking questions of the same respondent following each remark. Rather, questions and comments should be redirected to other members of the group or class. Also, biases of the instructor regarding a case should be contained and when they are expressed, they should be clearly open to class review and analysis.

By capably serving as diagnostician, discussion leader, and "climate-maker" in the case study approach, the teacher plays a key role in the instructional process. In performing these functions, the teacher is the primary guide to productive learning about the law.

The procedures described below provide several examples of how legal cases might be used to promote discussion in the classroom. More specifically, these procedures are designed to (1) illustrate how the case approach lends itself to a variety of teaching styles and uses; (2) demonstrate how this approach encourages student thinking at the higher cognitive levels of analysis, synthesis, and evaluation; and (3) suggest several legal cases and concepts that might be examined by social studies classes.

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CASE STUDIES

The case study approach involves providing students with situations in which there is a conflict or dilemma. Students then follow a step-by-step procedure to analyze the facts of the case, reach and support a decision, and weigh the consequences of that decision.

Rationale

A case study requires students to ask questions, define elements important to a situation, compare and contrast, analyze and synthesize these elements, and make judgments in the case. The students are, in short, practicing all levels of thinking from simple recall to evaluation.

When and Where

The case study approach may be applied to a variety of topics in social studies classrooms. Often, this technique is used in conjuction with real legal cases, providing an opportunity for students to go through the same reasoning process that attorneys and judges follow. Teachers might use the procedure during the study of **Marbury v. Madison, In re Gault, or Mapp v. Ohio** for example. Summaries of these three Supreme Court cases can be found in the Teacher Resource Book.

Case studies are not, however, confined to use with actual legal cases. Other sources for this approach include issues presented in the text or which you or the students address, and conflict situations described in newspaper and magazine articles. In fact, this strategy can be implemented any time there is an issue or conflict situation to be considered. Teachers could use it to have students consider the conflict between promoting aviation while protecting the safety of passengers, for instance. Issues surrounding the role of government in energy development and the role of government versus environmental conservation might be studied as case studies.

Note also that instead of focusing on a specific conflict or issue, the case studies approach may be used as a means for an in-depth study of a certain topic. A study of the characteris- tics of a certain nation's political system to reflect upon democracy in action is one example.

Procedures

1. **Selecting a Topic.** Select or develop a case for study.

2. **Providing the Facts.** Either provide students with the facts of the case--the event or issue, the parties involved, the actions taken, and so on--or have students research the facts themselves. If possible, do not present the final results of the case at this point. The actual outcome will be considered in a later step.

Next, ask students to review or clarify the facts. Among questions they should be able to answer are: What has occurred in this case? Who are the persons or parties involved in the

:e or conflict? What prompted the persons involved to act as they did? What facts are :portant? What facts are unimportant? What facts are missing?

3. **Developing the Issues.** Begin or discussion in which you ask students what they believe to be the important issue or issues in the case. Have students present their ideas about the issues in the form of questions. Depending on your objectives, a variety of types of questions may be considered. In legal cases, questions typically have to do with legality or rights. Questionsl of ethics, practicality, or public policy also may be considered.

The following are examples of issue questions that may be appropriate:

a. Was Mr. Doe's action legal in this state? (question of legality)

b. Does the Sixth Amendment mean that a state must pay for an attorney to represent a poor defendant? (question of rights)

c. Should undeclared candidates accept campaign contributions? (question of ethics)

d. Can local governments increase public services without raising taxes? (question of practicality)

e. Should a toxic waste disposal site be built near population centers? (question of public policy)

4. **Developing Arguments.** Once students have identified the issues by formulating questions, ask them to consider answers for the questions. They should then discuss their ideas and try to develop arguments both supporting and rejecting the various answers. Direct students to think about which arguments are persuasive in terms of legality, constitutionality, morality, practicality, public policy, and cost benefits. This will help lead them to a final decision.

5. **Reaching a Decision.** The decision is the final answer to the questins posed by raising the issue(s). At this point, students should have considered all of the arguments and reached a final decision.

6. **Evaluating the Decision.** This step allows students to consider the effects of the decision on themselves and society. Explain to students the outcome of the case at this time. Then, have them compare the actual reasoning and decision with their own. Both should be evaluated simultaneously. If you prefer to proceed without giving students the actual decision at this point, they should at a later time be given the outcome and asked to evaluate it.

Questions students should be able to answer at this point include: What was the decision? What reasons were given for the decision? Do you agree with the decision? What effect(s) will the decision have upon you? Upon others? How serious do you think the impact of the effect(s) will be?

Alternatives

There are several procedural variations of the case study you might want to try.

1. **Evaluating a Case.** This alternative is a shorter version of the case study approach described above. First, select a case for study. Give students the facts, issues, arguments, and final decision in the case. Then, lead them through the evaluation step outlined above. This alternative can be used on each of the 50 Supreme Court cases summarized in the Teacher Resource Book.

2. **Collage.** The collage alternative is particularly effective with students who have difficulty verbalizing their ideas. Select a case for study. Divide the class into three groups -- one to consider facts, one to consider issues, and one to consider the final decision. Give the fact group to prepare a collage illustrating these facts. They may use articles, pictures from newspapers and magazines, cartoons, or original art work. The issues group should receive the same information and prepare a collage depicting the issue(s) they decide upon. The decision group should be given the facts and final decision in the case. Students in the group should then develop a collage illustrating the final decision and the reasoning behind it.

At the completion of this activity, lead a discussion outlining the facts, issues, and decision in the case. Then, ask each group to explain its collage to the class.

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METHODOLOGY FOR TEACHING ABOUT CONTROVERSIAL ISSUES

As the name implies, issues that are clearly controversial and characterized by polar positions are most suitable for applying this methodology. Clearly, the issues should have legitimate opposing viewpoints, such as whether or not equal rights can best be achieved by an amendment or busing is a good way to desegregate schools. Issues that are above debate such as the morality of a holocaust or sexual abuse of children are obviously not legitimate.

1. The activity is initiated by the instructor who describes the issue in enough detail so that the polar positions are clearly understood. These should be written on the board.

2. Students should next be asked individually to write down their position and state the two most compelling reasons why they believe as they do.

3. The instructor then should draw a line across the chalk board and print a brief version of the polar positions, constructing a continuum a limited number of students should be asked to take a stand, indicating where on the continuum they believe their position on the issue falls.

4. These students should be asked to explain or clarify but not to defend or give reasons for their positions. They should be encouraged to move their position along the continuum as they listen to others' clarifications. Once this process ends, the remaining students may be asked whether the participants are lined up correctly according to their understanding of the statements. This may require a further clarification of positions.

5. Students can now be asked to state their reasons for positioning themselves as they have. The instructor may wish to post these. Students can respond to questions concerning their reasons but argumentation should not be allowed.

6. In order to assure that students listen to and consider opposing points of view, all students should be asked to present the argument that, although contrary to their positions, gives them pause, makes them think twice, gets under their skin, or is the most persuasive.

7. Finally, students should be required to consider the consequences of alternative policy choices. This involves identifying the existing law or policy, if it exists, relating to the issue being considered. The class can then discuss what impact the polar positions presented on the continuum would have on society as a whole or on individuals.

RULES FOR HANDLING CONTROVERSIAL ISSUES

1. Recognize the general legitimacy of controversy.

2. Recognize specific instances of past or current controversies in society and the rules that are being used to manage them.

3. Make sure the nature of the disagreement is clear in order to avoid simultaneous monologues.

    - identify areas of agreement and disagreement
    - identify core issues
    - avoid the use of slogans
    - talk about concrete issues before raising it to a higher level of abstraction

4. Argue ideas, not people.

    - represent the opposing position accurately and fairly
    - admit doubts, difficulties, and weaknesses in your own position
    - concentrate on evidence, description of practice, etc.
    - attempt to understand by re-stating the perspective of others

5. Establish rules of adequate evidence.

6. Establish ordered ways of proceeding - mediation, discussion, debate, etc.

7. Establish means for people to respect each other's opinions.

8. Establish means of closure.

    - examine consequences
    - consider alternatives
    - determine the values or interests of a decision

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Standards for judging the rationality/validity of positions
(Some opinions are better than others)

Better	Than
Supported by reliable evidence	Unsupported by evidence
Evidence is consistent	Evidence is inconsistent
Takes analogies into account	Insensitive to analogies
Offers useful definitions of terms	Ambiguous language

Developed by the National Institute for Citizen Education in the Law and the Center for Action Research

CONTINUUM

Introduction

Participants are presented with a continuum of possible attitudes or approaches on a controversial issue, and are asked to determine which element of the continuum most approximates their own attitude. Issues that are clearly controversial and characterized by polar positions are suitable for using this method.

The issues should have legitimate opposing viewpoints, such as whether or not equal rights can best be achieved by an amendment or is busing a good way to desegregate schools. Issues that are above debate such as the morality of a holocaust or sexual abuse of children are obviously not legitimate.

Objectives

- To consider polar positions of a controversial issue
- To examine alternative positions and their consequences on society as a whole and on individuals

Materials

Chalkboard or poster paper

Procedures

1. The activity is initiated by the instructor who describes the issue in enough detail, so that the polar positions are clearly understood. These should be written on the board.

2. Students should be asked to write their position and to list the two most compelling reasons by they believe as they do.

3. While the students are writing their statements, the instructor can draw a continuum line across the chalkboard. When the students are finished writing, the instructor can print along the continuum brief versions of some possible polar positions on the issue. Ask a limited number of students to stand at the position on the continuum where they believe their position on the issue falls. Alternatively, have students exchange papers and represent the position of the other student.

4. These students should be asked to explain or clarify, but not to defend or give reasons for their positions. They should be encouraged to move their position along the continuum as they listen to others clarify their positions. Once this process ends, the remaining students may be asked whether the participants were lined up correctly according to their understanding of the statements. This may require further clarification of positions.

5. Students now can be asked to state their reasons for positioning themselves as they have. The instructor may wish to post these. Students can respond to questions concerning their reasons, but argumentation should not be allowed.

6. In order to assure that students listen to and consider opposing points of view, all students should be asked to present the arguments that, although contrary to their positions, give them pause, makes them think twice, gets under their skin, or is the most persuasive.

7. Finally, student should be required to consider the consequences of alternative policy choices. This involves identifying the existing law or policy on the issue being considered, if it exists. The class can then discuss what impact the polar positions presented on the continuum would have on society as a whole and on individuals.

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THIS ARTICLE TAKEN FROM, EDUCATORS FOR SOCIAL RESPONSIBILITY,
Materials Participation Series

CONTROVERSIAL ISSUES AND INSTRUCTIONAL MATERIALS

Introduction

An issue becomes controversial whenever there is significant difference of opinion as to which of the possible alternatives should be selected. Human life and change consistently demand the ability to deal with the controversial. Controversy involves both emotional and intellectual matters. Making choices and decisions is part of living. Doing nothing results in a type of choice and may create controversy. Everyone should learn to make the best possible choices, whether the person is a teacher or student.

Dealing with controversial problems involves more than a mere recitation of varying viewpoints. It must provide for pupils to establish personally satisfying, wholesome and socially accepted values, on the basis of which pupils make judgments on questions and choices which confront them.

There are many valuable educational outcomes from studying controversial issues. Some of these are:

- Ability and will to study complex life situations and make intelligent choices of alternatives.
- Skill in analyzing materials, recognizing propoganda, and evaluating sources of information.
- Ability and desire to make use of rational methods in considering significant issues and coming to decisions about them.
- Willingness to recognize the necessity for and the value of differing viewpoints.

Selection of Issues and Instructional Materials

The issues and materials selected for study should make a positive contribution to the education of students. The following criteria, as adopted by the National Council for the Social Studies, and taken from **How to Handle Controversial Issues** by Richard E. Gross, should be used in selecting issues and materials for class activity:

(1) Are the issues/materials beyond the maturity level of the pupils?

(2) Are the issues/materials of interest to the pupils?

(3) Are the issues/materials socially significant and timely for this course and grade level?

(4) Are the issues/materials those which the teacher feels he can handle successfully from a personal standpoint?

(5) Are the issues/materials those for which adequate study material can be obtained?

(6) Are the issues/materials those for which there is adequate time to justify the presentation?

(7) Are the issues/materials those which will unduly clash with community customs and attitudes?

The teacher should study the community. Timing may be a factor to be considered when introducing a controversial subject in the classroom.

Responsibility of Administration

(1) Base all judgments according to policy of the Board of Directors.

(2) Encourage cooperative study and discussion with the professional staff.

(3) Base all judgments on sound and professional knowledge and the welfare of the students, rather than on personal feelings.

(4) Secure ratification from the central office where a topic or material appears to involve more than implementation of existing programs.

(5) Keep in close touch with the teaching about controversial issues beng carried out in schools or classrooms you supervise.

(6) Make sure teachers understand District policy, and give them adequate help in working in conformity with District policy.

Responsibility of Teachers

(1) A teacher must be quite knowledgeable of the role of controversial issues in education and know his/her own prejudices and biases. The teacher must recognize that his/her own opinions may serve to indoctrinate inexperienced pupils. Full knowledge of the policy of the District, the students, the school and the community is essential.

a. Select, or guide students in the selection of, topics.

b. Choose suitable and useful instructional materials.

c. Stimulate students to make use of a wide variety of appropriate materials and experiences, both in and out of the classroom.

d. Interpret materials by explaining its significance and pointing out possible missing arguments, interpretations and points of view.

e. Provide experiences in recognizing and evaluating the consequences of alternatives.

f. Promote, in all possible ways, student interest in and appreciation of rational methods of considering issues and arriving at decisions.

g. Direct class discussion to cover varying points of view.